

966 Athol Avenue
Aiken, SC 29803

July 7, 1993

Ms. Donna R. Searcy
Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street NW - Room 222
Washington, DC 20054

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JUL 8 1993

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RE: OBJECTION TO: MOTION TO STRIKE AND CONTINGENT REPLY TO
SUPPLEMENT TO RESPONSIVE COMMENTS, FILED BY WINFAS OF BELHAVEN,
FILED BY WINFAS OF BELHAVEN, JUL 7 1993, 10:00 AM, WASHINGTON, DC

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)	MM Docket No. 93-47
)	
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	
)	
Camden, Latta and Marion,)	RM-8188
South Carolina)	
Blythewood, South Carolina)	RM-8243

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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OBJECTION TO:
MOTION TO STRIKE
AND CONTINGENT REPLY TO
SUPPLEMENT TO RESPONSIVE COMMENTS

Joseph Adams Ranke ("Ranke"), pursuant to Section 1.45 of the Commission's Rules, hereby respectfully objects to the Motion to Strike and Contingent Reply to Supplement To Responsive Comments ("Motion and Contingent Reply"), filed June 29, 1993, by Winfas of Belhaven, Inc. ("Winfas") in MM Docket No. 93-47.

1. Ranke objects to the granting of Winfas' Motion to Strike on the grounds that his Suppliment To Responsive Comments ("Suppliment") [as did his "Responsive Comments", to which Winfas has filed a previous Motion to Strike (and against which Ranke previously filed an Objection)] provides the Commission with necessary information for it to fairly judge the merits of two conflicting proposals.

2. Ranke also objects on the grounds that Winfas' Motion and Contingent Reply is yet another attempt at destroying Ranke's good

name and assassinating his character in a public forum. The entire slant of all of Winfas' motions and contingent replies, including the most recent, is the discrediting of Ranke in order to obviate the public interest concerns of Ranke's counterproposal. Should Winfas succeed, it would be reasonable to expect that future contested Rule Making proceedings may also become glorified "mud-slinging" contests, and the true losers would be the citizens of communities (like Blythewood) who would be denied local broadcast service simply because one party's FCC attorney is successful at smokescreening and directing attention away from public interest matters and onto the alleged character flaws of an opposing party seeking a new service.

3. Winfas' Motion and Contingent Reply adds no pertinent information to this discussion, rather it baselessly accuses both Ranke and the mayor of the town of Blythewood, South Carolina, a trusted public official, of lying in order to mislead the Commission. Such outrageous accusations cannot be allowed to go unchallenged.

4. Winfas again objects to Ranke's entire participation in MM Docket No. 93-47 on the procedural grounds of Section 1.52 regarding subscription and verification. Previously, Winfas argued that because Ranke's original Comments and Counterproposal¹ did not state "that the statements contained therein were accurate to the best of his knowledge", they should be disallowed, citing

¹ See Comments and Counterproposal, Joseph Adams Ranke, MM Docket No. 93-47, RM-8243, filed May 13, 1993.

Flora and Kings, Mississippi and Newellton, Louisiana, 7 FCC Rcd 5477 (1992).

5. Now, in its current Motion and Contingent Comments, Winfas states that although Ranke had noted in his Suppliment the following:

*"The undersigned hereby certifies that this pleading, as well as all other materials and pleadings he has submitted to the Commission relative to this proceeding, and all information presented therein, are true and correct to the best of his knowledge and belief."*² (emphasis added)

Ranke failed to make the "proper" verification statement for the record, because it did not also include the specific phrase "under penalty of perjury". However, it must be noted that in his objection to Winfas' Motion To Dismiss Counterproposal and Motion To Strike and Contingent Reply to "Responsive Comments", Ranke argued that "Should the Commission deem it necessary, Ranke would welcome verifying his veracity in sworn testimony in front of the Commission or any court under penalty of purgery".

6. It has become obvious that Counsel to Winfas is enamored with splitting hairs and is obsessed with beating-up on Ranke (who represents himself) with the smallest of legal details. Ranke believes quite simply that his counterproposal for allotment of Channel 232A to Blythewood, South Carolina, is in the public interest, and that public interest matters should be of paramount concern.

² See Suppliment to Responsive Comments, Joseph Adams Ranke, MM Docket 93-47, dated June 24, 1993, final paragraph.

7. Ranke attempted to make his case based solely on the facts which he obtained. Conversely, Counsel to Winfas has completely distorted the representations of Ranke, questioned his character, called into question the veracity of Ranke and that of the Mayor of Blythewood (who, like Ranke, believes the public interest would be served by allotting an FM channel to his town), and now has resorted to battling Ranke over minute technicalities.

8. Ranke notes that according to Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911 (1991), the Commission clearly states that:

"...these expressions [of interest] have the status of representations to the Commission, as do any assertions contained in pleadings filed with the Commission. Thus a statement of interest...by a party who lacks the requisite intent...will henceforth be considered a material misrepresentation within the meaning of Section 73.1015 of the Rules."

Therefore, whether or not Ranke made the Section 1.52 verification statement to the satisfaction of Mr. Smithwick or Mr. Maher (attorneys for Winfas), the fact of the matter is that **all** of Ranke's statements in this proceeding must be seen as *implied* to be under oath, because they are deemed by the Commission to be subject to the same penalties as sworn testimony before the full Commission.

Conclusion

Wherefore, in light of the foregoing, Ranke respectfully

1. The Commission should be organized as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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CERTIFICATE OF SERVICE

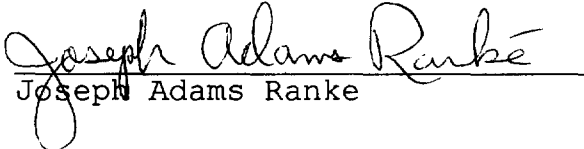
I, Joseph Adams Ranke, do hereby certify that on this 7th day of July, 1993, I have caused to be mailed, via first class mail, postage prepaid, a copy of the foregoing "Objection to Motion To Strike and Contingent Reply to Supplement To Responsive Comments" to the following:

Gary S. Smithwick, Esquire
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Counsel to Winfas of Belhaven, Inc.

Kershaw Radio Corporation
Post Office Box 753
Camden, SC 29020

Licensee of WPUB-FM


Joseph Adams Ranke

July 7, 1993